


July 20, 2023

By ECF

Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

APPLICATION GRANTED
SO ORDERED 
VERNON S. BRODERICK
U.S.D.J. 07/21/2023

Defendants' existing motion to dismiss (Docs. 7-9) is hereby moot without prejudice to refile a new motion to dismiss. Defendants' deadline to file a new motion to dismiss and/or answer is extended until August 23, 2023. SO ORDERED.

Re: Beyer LLC d/b/a Beyer Projects v. Annamarie Baldessari as Trustee of the John Baldessari Trust-1991 et al., 1:23-cv-3819-VSB

Dear Judge Broderick:

We represent Defendants-Counterclaim Plaintiffs Annamarie Baldessari as trustee of the John Baldessari Trust-1991 and Antonio Baldessari as trustee, of the John Baldessari Trust-1991, and Counterclaim Plaintiff The John Baldessari Trust-1991, in the above-referenced action.

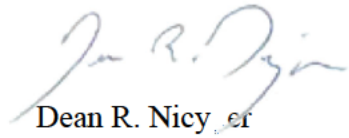
Pursuant to the Court's Order dated July 18, 2023 (ECF Dkt. No. 19), Defendants-Counterclaim Plaintiffs write to advise that, in light of Plaintiff-Counterclaim Defendant's filing of an amended complaint (ECF Dkt. No. 21), Defendants-Counterclaim Plaintiffs wish for their existing motion to dismiss (ECF Dkt. Nos. 7-9) to be deemed moot without prejudice to refile a new motion to dismiss.

Relatedly, Defendants-Counterclaim Plaintiffs write to request an extension of the deadline within which to file a new motion to dismiss and/or answer the amended complaint from July 31, 2023 until August 23, 2023. Plaintiff-Counterclaim Defendant has indicated it will not oppose this extension request.

Under Federal Rule of Civil Procedure 15(a)(3), "any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later." Here, because the time within which to respond to the original pleading has run, Defendants-Counterclaim Plaintiffs' new motion to dismiss and/or answer would be due 14 days from the date of service of the amended complaint, or July 31, 2023. However, Defendants-Counterclaim Plaintiffs' counsel has several preexisting obligations that would preclude meeting that deadline. Due to those commitments, which include various medical appointments and medical procedures,

Defendants-Counterclaim Plaintiffs request an extension until August 23, 2023, which would enable counsel to adequately prepare its motion to dismiss and/or answer in response to the amended complaint.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dean R. Nicy", is written over the typed name.

Dean R. Nicy, *er*

cc: Counsel of Record (via ECF)